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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO BALAYAN,

Plaintiff,

v.

THE SERVICE COMPANIES, INC., a Florida
Corporation,

Defendant.

Case No.: 2:15-cv-01880 (JAD) (VCF)

Order granting
**MOTION TO CHANGE THE DATE OF THE
EARLY NEUTRAL EVALUATION SESSION**

Defendant The Service Companies, Inc., a Florida Corporation ("Defendant"), by and through its attorneys, Fox Rothschild LLP, hereby moves this Court for an order to change the date of the Early Neutral Evaluation Session currently set for January 14, 2016 at 9:30 a.m. This Motion does not raise any legal issues, therefore a Memorandum of Points and Authorities is not necessary.

Dated this 17th day of November, 2015.

FOX ROTHSCHILD LLP

/s/ Mark J. Connot

MARK J. CONNOT (10010)
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Las Vegas, Nevada 89169
Attorneys for Defendant
The Service Companies, Inc.

1 1. Pursuant to the current Court-Based Early Neutral Evaluation (“ENE”) Program
2 in the District of Nevada, this Court scheduled the ENE to begin on January 14, 2016 at 9:30
3 a.m. in an Order dated November 4, 2015 (the “Order”). [Docket Entry No. 8].

4 2. The Order requires the following individuals, *inter alia*, to be present in person
5 for the duration of the ENE session: (1) all counsel of record who will be participating in the
6 trial; (2) an officer or representative with binding authority to settle this matter up to the full
7 amount of the claim; and (3) a representative of the insurance carrier with authority to settle this
8 matter up to the full amount of the claim. [Id. at 1].

9 3. In addition, the Order requires that “[a]ny request to change the date of the ENE
10 must be made in writing and must be filed within 14 days of the issuance of this order. Such
11 requests must include at least 5 alternative dates on which all required participants are available
12 to attend the ENE.” [Id.].

13 4. Due to a prior scheduling conflict, Defendant’s counsel will be unable to attend
14 the ENE on January 14, 2016.

15 5. Having contacted and conferred with all parties whose presence is required at the
16 ENE, Defendant, with the consent of Plaintiff’s counsel, respectfully requests that the ENE be
17 adjourned to one of the 5 following alternative dates: (1) February 2, 2016; (2) February 3,
18 2016; (3) February 4, 2016; (4) February 16, 2016; or (5) February 17, 2016.

19 6. Finally, the Order also directs the parties to submit written evaluation statements
20 no later than January 7, 2016. [Id. at 3]. In light of Defendant’s request to adjourn the January
21 14, 2016 ENE, Defendant also requests that the January 7, 2016 deadline to submit written
22 evaluation statements be adjourned to one week in advance of the new ENE date.

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1 WHEREFORE, Defendant requests an Order directing as follows:

2 1. That the January 14, 2016 ENE be adjourned to one of the 5 alternative dates
3 jointly proposed by the parties; and

4 2. That the January 7, 2016 deadline to submit written evaluation statements be
5 similarly adjourned to one week prior to the new ENE date.

6 DATED: November 17, 2015

7 **FOX ROTHSCHILD LLP**

8
9 By: /s/ Mark J. Connot

10 MARK J. CONNOT (10010)
11 3800 Howard Hughes Parkway, Suite 500
12 Las Vegas, Nevada 89169
13 *Attorneys for Defendant*
The Service Companies, Inc.

14 This motion is GRANTED. The ENE is continued to 9:30 a.m. on
15 February 4, 2016. ENE statements shall be submitted by January
16 28, 2016. All other requirements outlined in the order at Docket No.
17 8 continue to govern. IT IS SO ORDERED.

18 Dated: November 18, 2015

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21 United States Magistrate Judge
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